

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REENA CHOPRA,

Petitioner,

vs.

ATTORNEY GENERAL OF
CALIFORNIA,

Respondent.

No. C 09-0841 JSW (PR)

**ORDER VACATING DISMISSAL OF
THREE CLAIMS; DIRECTING
PARTIES TO FILE SUPPLEMENTAL
BRIEFING**

Petitioner, formerly a prisoner of the State of California, currently on parole, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging the constitutional validity of her state court conviction. She filed an amended petition setting forth nine claims for relief. In an order dated February 15, 2011, the first six claims were found cognizable, when liberally construed, and Respondent was ordered to show cause why the petition should not be granted based on those claims. Claims seven, eight and nine, however, were dismissed for failure to state a cognizable basis for habeas relief. The Court has reviewed the amended petition again, and upon reconsideration, now finds claims seven, eight, and nine to be cognizable when liberally construed. Claim seven asserts that evidence was erroneously admitted, claim eight asserts that pretrial publicity “poisoned” the jury pool, and claim nine asserts that there was insufficient evidence to support the conviction.

For the foregoing reasons and for good cause shown,

1. The portion of the Order of February 15, 2011, dismissing claims seven, eight

1 and nine from the amended petition is VACATED.


2 2. Respondent shall file with the Court and serve on Petitioner, within **sixty (60)**
3 days of the issuance of this order, a supplemental answer conforming in all respects to
4 Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas
5 corpus should not be granted based on claims seven, eight and nine. Respondent shall file
6 with the answer and serve on Petitioner a copy of all portions of the state trial record that
7 have been transcribed previously and that are relevant to a determination of the issues
8 presented by these claims to the extent Respondent has not already done so.

9 3. If Petitioner wishes to respond to the answer, she shall do so by filing a
10 supplemental traverse with the Court and serving it on Respondent within **thirty (30)** days
11 of the date the supplemental answer is filed.

12 4. It remains Petitioner's responsibility to prosecute this case. Petitioner must
13 keep the Court informed of any change of address by filing a separate paper captioned
14 "Notice of Change of Address." She must comply with the Court's orders in a timely
15 fashion. Failure to do so may result in the dismissal of this action for failure to prosecute
16 pursuant to Federal Rule of Civil Procedure 41(b).

17 IT IS SO ORDERED.

18 DATED: October 26, 2011

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20 JEFFREY S. WHITE
21 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

REENA CHOPRA,

Plaintiff,

v.

CALIFORNIA et al,

Defendant.

Case Number: CV09-00841 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 26, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Reena Chopra
230 Grau Drive
Fremont, CA 94536

Dated: October 26, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk